

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

EVOLVED WIRELESS, LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD., and
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

Civil Action No. 2-21-cv-00033-JRG

DECLARATION OF NAGENDRA SETTY

I, Nagendra Setty, declare as follows:

1. I am an attorney with the law firm of Setty Chachkes PLLC, counsel for Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (together, “Samsung”) in the above captioned action. The statements made herein are of my own knowledge and, if called upon to testify thereof, I could and would do so competently.

2. I make this declaration in support of Samsung’s Motion for Reconsideration.

3. I appeared for Samsung on November 30, 2022.

4. I then served, on behalf of Samsung, a *subpoena duces tecum* on Qualcomm, Incorporated on December 1, 2022. As relevant here, the *subpoena* called for “[a]ll documents, communications, and things concerning any agreements between [Qualcomm] and LGE regarding or related to any LTE technology.” The attachments to the *subpoena* provided granular detail as to the Qualcomm chipsets at issue and the Qualcomm/LGE agreements at issue, all captured in seventeen (17) specific document requests.

5. Having not heard from Qualcomm or having received any responses or objections to the *subpoena*, I wrote to Qualcomm on January 20, 2023. Qualcomm responded on the same day, through outside counsel. Qualcomm then served objections and responses on January 23, 2023. I then spoke or communicated via email with Qualcomm's counsel on January 26, 2023, January 30, 2023, February 8, 2023, February 10, 2023, February 13, 2023, February 22, 2023, and February 24, 2023, all in an effort to persuade Qualcomm to produce six documents comprising the 1993 Infrastructure and Subscriber Unit License and Technical Assistance Agreement between Qualcomm and LG, as amended. The documents were redacted in a manner consistent with the redacted versions of the same documents Qualcomm produced in the prior Delaware litigation between Evolved and Samsung.

6. After these substantial efforts, Qualcomm produced on February 24, 2023 certain agreements and correspondence between Qualcomm/LGE from 2018 and 2019, but none of the 1993 Agreements or correspondence. After further discussions, on March 10, 2023, Qualcomm produced still further agreements and correspondence from 2019-2022, but, again, none of the 1993 Agreements or correspondence. On March 29, 2023, Qualcomm produced various chipset-related technical documents, and, again, none of the 1993 documents.

7. After further efforts to meet and confer, on April 5, 2023, Qualcomm produced the 1993 Qualcomm/LGE Agreements, but in highly redacted form. As such, over multiple meet and confer conferences and discussions with Qualcomm's outside counsel, I asked Qualcomm's counsel to produce an unredacted version of the 1993 Agreement (as amended). Qualcomm refused, but as a compromise and to avoid burdening the Court with motion practice, agreed to produce a less-redacted version and to modify the redactions to make clear that the redacted material was exclusively financial information, such as royalty rate or dollar amount data.

8. Qualcomm produced these less redacted versions on June 9, 2023.

9. Following the Court's denial of Samsung's motion for partial summary judgment of license and exhaustion, Samsung again sought the unredacted versions of the agreement, noting that the Court had denied Samsung's motion based on the redactions.

10. Qualcomm produced an unredacted version of the 1993 agreement, as amended, on September 27, 2023, after the [REDACTED], without any objection from [REDACTED].

11. Attached as Exhibit A is a true and correct copy of the Infrastructure and Subscriber Unit License and Technical Assistance Agreement entered into by Qualcomm Inc. and LG Electronics Inc. (f/k/a Goldstar Information & Communications, Ltd.), effective August 31, 1993, Bates No. QCEVOLVEDVSS00033_0003752.

12. Attached as Exhibit B is a true and correct copy of the March 17, 1998, amendment to the 1993 Agreement in Exhibit A, Bates No. QCEVOLVEDVSS00033_0003871.

13. Attached as Exhibit C is a true and correct copy of the October 16, 1998, amendment to the 1993 Agreement in Exhibit A, Bates No. QCEVOLVEDVSS00033_0003786.

14. Attached as Exhibit D is a true and correct copy of the July 11, 2004, amendment to the 1993 Agreement in Exhibit A, Bates No. QCEVOLVEDVSS00033_0003788.

15. Attached as Exhibit E is a true and correct copy of the January 1, 2007, amendment to the 1993 Agreement in Exhibit A, Bates No. QCEVOLVEDVSS00033_0003845.

16. Attached as Exhibit F is a true and correct copy of the September 16, 2010 amendment to the 1993 Agreement in Exhibit A, Bates No. QCEVOLVEDVSS00033_0003803.

I declare under penalty of perjury that the above is true and correct.

Dated: October 2, 2023

Respectfully submitted,

/s/ Nagendra Setty
Nagendra Setty